

UNITED STATES OF AMERICA

IN THE WESTERN DISTRICT OF MICHIGAN

United States of America,
Plaintiff,

File No. 1:18-cr-166

v.

Hon. Paul L. Maloney
U.S. District Court Judge

Daniel Dario Trevino (D-1),
Defendant.

**BRIEF IN SUPPORT OF DEFENDANT DANIEL TREVINO'S (D-1) MOTION TO
DISMISS FOR FIRST AMENDMENT AND FOURTEENTH AMENDMENT
VIOLATIONS**

Attachment 7 – Resolution of June 6, 2013 stop and December 4, 2012 vehicle seizure
forfeitures

STUART J. DUNNINGS III
INGHAM COUNTY PROSECUTING ATTORNEY

303 West Kalamazoo Street, Lansing, Michigan 48933
Phone: (517) 483-6108 Fax: (517) 483-6397



September 9, 2013

D/Lt Robin Lynde
D/Sgt Quincy Scroggins
Tri-County Metro Narcotics Squad

LISA McCORMICK
Chief Assistant Prosecutor

JOHN J. DEWANE
Deputy Chief Assistant Prosecutor

Re: REJECTION OF FORFEITED PROPERTY
Claimant Danny Trevino
TCM 112-13

Robin and Quincy:

This letter is to give notice to the Tri County Narcotics Squad of the rejection of seizure of the \$9,137.00 in U.S. Currency seized from Danny Trevino on June 6, 2013, as part of the investigation of TCM 112-13. The rejection of the forfeiture action is based on the following:

- A) The police report does not show sufficient basis for forfeiture under the Controlled Substances Act. Although Claimant was found in possession of controlled substances, this possession was lawful under the Michigan Medical Marijuana Act. Additionally, insufficient evidence was presented to suggest that the currency found was proceeds of controlled substances violations. Forfeiture cannot be based upon possession of controlled substances alone.
- B) The time period in which to file a Complaint on this case has passed.

Therefore, the \$9,137.00 is to be returned to Claimant Danny Trevino, at 700 W. Barnes, Lansing, MI 48910, 517-999-3012 according to the policies and procedures of the Tri-County Metro Narcotics Squad. The bond of \$913.00 posted on August 26, 2013, in regard to this matter is to be returned to Claimant Danny Trevino, at 700 W. Barnes, Lansing, MI 48910, 517-999-3012

Thank you for your attention to this matter.

Sincerely,

Stuart J. Dunning, III
Ingham County Prosecuting Attorney

cc: File

Approved, SCAO

Original - Court
1st copy - Petitioner
2nd copy - Respondent

3rd copy - Towing agency
4th copy - Vehicle custodian

STATE OF MICHIGAN
64-A JUDICIAL DISTRICT

ORDER REGARDING
IMPOUNDMENT OF MOTOR VEHICLE OR
SEIZURE OF MOTORCYCLE

CASE NO.
15-0984-GZ

Court address
101 W. Main St., Ionia, MI 48846

Court telephone no.
(616) 527-5350

Petitioner's name, address, and telephone no.
Eloy Omar Sanchez

v

Respondent's name, address, and telephone no.
Reed and Hoppes, Inc.
2661 E. Grand River Ave.
Portland, MI

NOTE: The petitioner must be the owner of the vehicle.

Vehicle year and make
2002 Ford
Vehicle identification number
1FMZU72EO2ZB69202
License year, number, and state

Vehicle custodian's name and address

THE COURT FINDS:

1. The vehicle described above was taken into custody on 11/04/2012 by Reed & Hoppes, Inc.
2. The police agency ☐ did ☐ did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed under MCL 257.252a, 257.252b, or 257.252d.
- ☐ 3. The vehicle has been held more than 30 calendar days after the date of the seizure. No other law supports the continued holding of this motorcycle.
- ☐ 4. A private property owner requested removal of the vehicle and ☐ did ☐ did not comply with the provisions of MCL 257.252k or 257.252l.
5. The towing agency ☐ did ☒ did not comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under MCL 257.252a(1), 257.252d, or 257.252g.
6. Towing and daily storage fees are ☐ reasonable. ☒ unreasonable and should be refunded or reduced.
7. The petitioner provided proof of ownership of the vehicle.

IT IS ORDERED:

- * By default
- ☐ 8. No refund of charges shall be made. The vehicle shall be redeemed within 20 days from the date of this order. If not redeemed it may be disposed of by the police agency according to law. The abandoned vehicle fee, if applicable, shall be distributed according to law.
 - ☐ 9. The vehicle shall be immediately released to the owner and the police agency shall be responsible for all accrued charges. Any bond or abandoned vehicle fee shall be refunded.
 - ☐ 10. The motorcycle shall be immediately released to the owner and the police agency shall pay to owner \$ _____ for damages, costs, and attorney fees.
 - ☒ 11. The towing and storage charges and ☐ all accrued charges ☒ the sum of \$ \$765 shall be refunded by the towing/storage agency. The abandoned vehicle fee, if applicable, shall be refunded.

Date

Judge

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties and towing agency by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

Date

Judge/Clerk

MCL 257.230a, MCL 257.252a, MCL 257.252b, MCL 257.252f, MCL 257.606, MCL 257.673, MCL 257.742

DC 91 (3/10) ORDER REGARDING IMPOUNDMENT OF MOTOR VEHICLE OR SEIZURE OF MOTORCYCLE

TRUE COPY